

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEROME G. HUGHES,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

ORDER

07-cr-33-bbc

16-cv-387-bbc

On June 6, 2016, petitioner Jerome G. Hughes filed a motion for post conviction relief under 28 U.S.C. § 2255 in light of the United States Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015), declaring unconstitutionally vague a portion of the penalty provision of the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2). At the same time he filed with the Court of Appeals for the Seventh Circuit a motion for permission to file a second or successive motion under §2255.

On June 29, 2016, the court of appeals denied petitioner's motion to file a successive motion because the career offender guideline was not used to calculate petitioner's guideline sentencing range, making Johnson inapplicable to his sentence.

Because the court of appeals has denied petitioner's motion to file a successive motion under 28 U.S.C. § 2255, this court has no jurisdiction to entertain his § 2255 motion.

ORDER

IT IS ORDERED that petitioner Jerome Hughes's motion for post conviction relief is DENIED for lack of jurisdiction.

Entered this 1st day of September, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge